

[illegible]



management rights of School Districts realistic. I hold in this case that the School District was certainly within its rights to assign the teacher to those subjects for which he was certified. From the record, it is abundantly clear that Appellant has on several occasions had the opportunity to gain additional certification but has chosen to put other priorities ahead of certification.

In Illinois I, I imposed a strict requirement for the RIF of a tenured teacher. A school district must show a justifiable need for a RIF and cannot RIF a tenured teacher while retaining a nontenured teacher to fill a position for which the tenured teacher was qualified.

In this case, the School District met the burden by showing that no nontenured teacher would exclusively be teaching the subjects which the Appellant taught prior to the RIF. The fact that each elementary teacher would also be teaching P.E. is not a ground for reversal simply because all of the teachers are not tenured.

The School District had experienced declining enrollment, and the decision to decrease its teaching staff pursuant to Section 39-31-303 (3) MCA was proper.

There is also substantial evidence that the RIF policy was applied fairly to Appellant in this instance.

My commitment to give strong support to the concept of tenure remains. However, in this instance, Appellant is attempting to remain in a School District which has suffered a consistent drop in students for a number of years; at the same time the Appellant has not broadened his teaching certification to meet the obvious demand for teachers who have certification in many subjects. No question was ever raised on Appellant's ability to teach or his intelligence. Appellant must consider that if he intends to teach in rural areas, where enrollments are declining, he must broaden his teaching certification in order to be a more useful and valuable employee in a situation where students, teachers and school budgets are under pressure.

Montana's rural schools have consistently maintained a high level of quality. I believe that Appellant's RIF is an unfortunate occurrence in view of his background of experience, but I believe the School District acted in a valid managerial capacity when it eliminated his position. Hopefully Appellant will obtain certification

necessary to be more marketable in the rural areas where he enjoys teaching and living.

Therefore the Decision of the County Superintendent is affirmed.

**DATED** December 27, 1982.